

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RABBI MARA NATHAN, on Behalf
of Herself and on Behalf of her Minor
Child, M.N., *et al.*,

Plaintiffs,

V.

ALAMO HEIGHTS INDEPENDENT,
SCHOOL DISTRICT, *et al.*,

Defendants.

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CIVIL ACTION NO. SA-25-cv-00756-FB

ORDER OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT
AUSTIN INDEPENDENT SCHOOL DISTRICT

Before the Court is the [Proposed] Order of Dismissal of Defendant Austin Independent School District, filed on August 19, 2025. (Docket no. 75). Therein, the Court is advised that, given the high likelihood that Ten Commandments posters will be donated to Defendant Austin Independent School District (the “Austin District”) as set forth in Texas Senate Bill No. 10, TEX. EDUC. CODE § 1.0041 (“S.B. 10”), and in light of Supreme Court and Fifth Circuit precedent concerning the Establishment and Free Exercise Clauses, the Austin District does not wish to independently defend this lawsuit. Instead, the Austin District has agreed to adhere to any injunction that may be entered by this Court, prohibiting S.B. 10 from being applied and enforced, and will further agree not to allow its schools to comply with S.B. 10 pending this Court’s issuance of a decision on the pending Motion for a Preliminary Injunction. In accordance with any injunction, the Austin District will not permit any of the schools in the Austin District to post the Ten Commandments as specified in S.B. 10 while this litigation is pending in any form (be it before this Court, the Fifth Circuit or the Supreme Court) while any injunction is in place and until it is finally adjudicated, and, once the litigation is concluded, will abide by the final result in this case regarding the constitutionality of S.B. 10, as if it remained a party.

The Austin District therefore having unambiguously disclaimed any intention to comply with S.B. 10 during the pendency of this case as stated herein,

IT IS HEREBY ORDERED that Plaintiffs' claims against the Austin District are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that ORDERED that pending this Court's issuance of a decision on the pending Motion for a Preliminary Injunction, the Austin District shall not allow its schools to comply with S.B. 10.

IT IS FURTHER ORDERED that the Austin District shall be subject to and bound by any order or injunction issued by this Court or any appellate or other court enjoining the implementation of S.B. 10, as if Defendant Austin District was still a defendant in this matter.

IT IS FURTHER ORDERED that Defendant Austin District has disclaimed any intent to comply with S.B. 10 during the pendency of this litigation in accordance with any injunction prohibiting any Defendant from doing so, and therefore will not permit any of the schools in the Austin District to post the Ten Commandments as specified in S.B. 10 while this litigation is pending in any form (be it before this Court, the Fifth Circuit or the Supreme Court) and until it is finally adjudicated.

IT IS FINALLY ORDERED that Defendant Austin District will take all necessary actions to ensure that each school within the district abides by this Order and any final result in this case concerning the constitutionality of S.B. 10. The Court retains jurisdiction to enforce this Order.

It is so ORDERED.

SIGNED this 19th day of August, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE